

[Counsel listed on signature page]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TEAMSTERS LOCAL NO. 35 HEALTH
PLANS, on behalf of itself and all others
similarly situated,

Plaintiff,

v.

ALZA CORPORATION, a California
Corporation,

Defendant.

CASE NO.: 06-CV-01362

Consolidated in MDL No. 1761

**STIPULATION AND ~~PROPOSED~~
ORDER DISMISSING PLAINTIFF
TEAMSTERS' COMPLAINT WITH
PREJUDICE**

Honorable Jeffrey S. White

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff Teamsters Local No. 35 Health Plans ("Teamsters") and Defendant Alza Corporation ("Alza"), by and through their counsel of record, respectfully submit the present stipulation dismissing Teamsters' complaint in Case No. 06-CV-01362 and the consolidated amended complaint in MDL No. 1761. The parties further agree Teamsters and Alza shall bear their own costs associated with the maintenance and defense of Case No. 06-CV-01362 and all actions consolidated in MDL No. 1761. THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. Dismissal with prejudice. Plaintiff Teamsters hereby dismisses with prejudice its complaint in Case No. 06-CV-01362 and currently consolidated with other complaints in the action captioned "In re Ditropan XL Antitrust Litigation, MDL No. 1761," presently pending before this Court. Concurrently herewith, Teamsters shall file a voluntary dismissal with prejudice of the consolidated amended complaint in MDL No. 1761, currently pending before this Court.

2. Costs. Teamsters and Alza shall bear their own costs and fees incurred in the prosecution and defense of Case No. 06-CV-01362 and all actions consolidated in MDL No. 1761. In no event shall any party to Case No. 06-CV-01362 or to MDL No. 1761 be entitled to recover from or be required to pay to any adverse party fees, costs, or any other remuneration emanating out

1 of this action as a result of the instigation, prosecution, defense, or dismissal with prejudice of Case
2 No. 06-CV-01362 and MDL No. 1761.

3
4 Dated: December 17, 2007

5 By: _____/s/

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 18, 2007


Honorable Jeffrey S. White
United States District Judge